

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Andrew J. DeNardo et al.

Serial No.: 10/712,887

Filed: November 12, 2003

For: INTRAVASCULAR FLOW
MODIFIER AND REINFORCEMENT
DEVICE

Examiner: Vy Q. Bui

Group Art Unit: 3731

Docket No. MICRU 66179

July 7, 2004

Los Angeles, California 90045

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION

UNDER 37 C.F.R. 1.321

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Petitioner, MICRUS CORPORATION, a Delaware corporation, Assignee, having a place of business at 610 Palomar Avenue, Sunnyvale, CA 94085, is the assignee and owner of 100 percent interest in the instant application, Serial No. 10/712,887, filed on November 12, 2003, which is a continuation of Serial No. 09/590,793, filed June 8, 2000, now Patent No. 6,656,218, which is a continuation-in-part of Serial No. 09/122,243 filed July 24, 1998, now Patent No. 6,156,194, as recorded at reel 011693 Frame 0889, in connection with Serial No. 09/590,793. The assignment document has been reviewed,

and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title in the instant application, Serial No. 10/712,887, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 1.54 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,656,218, which is also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

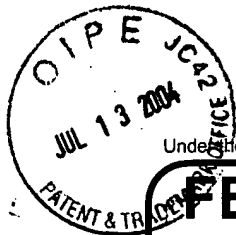
The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

July 7, 2004
Date

David G. Parkhurst
David G. Parkhurst
Reg. No. 29,422

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PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004		Complete if Known	
		Application Number	10/712,887
Effective 10/01/2003. Patent fees are subject to annual revision.		Filing Date	November 12, 2003
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		First Named Inventor	Andrew J. DeNardo
TOTAL AMOUNT OF PAYMENT (\$)		Examiner Name	Vy Q. Bui
		Art Unit	3731
		Attorney Docket No.	MICRU 66179
(\$)		\$55.00	

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																	
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<input type="checkbox"/> Deposit Account: Deposit Account Number: 06-2425 Deposit Account Name: FULWIDER PATTON ...		<table border="1"><thead><tr><th>Large Entity</th><th>Small Entity</th><th>Fee Description</th><th>Fee Paid</th></tr><tr><th>Code (\$)</th><th>Code (\$)</th><th></th><th></th></tr></thead><tbody><tr><td>1051 130</td><td>2051 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052 50</td><td>2052 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr><tr><td>1053 130</td><td>1053 130</td><td>Non - English specification</td><td></td></tr><tr><td>1812 2,520</td><td>1812 2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>1804 920*</td><td>1804 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805 1,840*</td><td>1805 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251 110</td><td>2251 55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252 420</td><td>2252 210</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253 950</td><td>2253 475</td><td>Extension for reply within third month</td><td></td></tr><tr><td>1254 1,480</td><td>2254 740</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255 2,010</td><td>2255 1,005</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401 330</td><td>2401 165</td><td>Notice of Appeal</td><td></td></tr><tr><td>1402 330</td><td>2402 165</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403 290</td><td>2403 145</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451 1,510</td><td>1451 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452 110</td><td>2452 55</td><td>Petition to revive - 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SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	David G. Parkhurst	Registration No. (Attorney/Agent)	29,422
Signature	<i>David G. Parkhurst</i>	Telephone	310-824-5555
		Date	July 7, 2004

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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